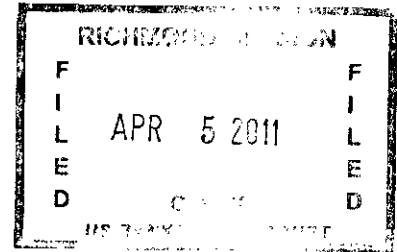


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5 Attorneys for Creditor  
6 DONAHUE SCHRIBER REALTY GROUP, L.P.,  
a Delaware limited partnership



8 UNITED STATES BANKRUPTCY COURT  
9 EASTERN DISTRICT OF VIRGINIA  
10 RICHMOND DIVISION

12 IN RE:

13 CIRCUIT CITY STORES, INC., *et al.*,  
14 Debtors.

Chapter 11

Case No. 08-35653-KRH

Jointly Administered

16 **DONAHUE SCHRIBER REALTY GROUP, L.P.'S RESPONSE TO**  
17 **LIQUIDATING TRUST'S TWENTIETH OMNIBUS**  
18 **OBJECTION TO LANDLORD CLAIMS [Docket # 10072]**

19 Creditor Donahue Schriber Realty Group, L.P., a Delaware limited partnership ("DSRG"),  
20 hereby responds to Liquidating Trust's Twentieth Omnibus Objection to Landlord Claims  
21 ("Objection")

22 1. On November 10, 2008, Circuit City Stores, Inc. ("Debtor") and its related  
23 companies filed voluntary petitions for relief under Chapter 11 of the United State Bankruptcy  
24 Code.

25 2. DSRG timely filed its Administrative Expense Claim no. 12863 for post-petition  
26 rent and leasehold expenses in the amount of \$40,726.80.

27 ///

28 ///

3. DSRG has confirmed that, subsequent to the filing of its Administrative Expense Claim, Debtor did pay post-petition rent and leasehold expenses for March 1-10, 2009 in the amount of \$11,752.80. Therefore, DSRG's Administrative Expense Claim should be reduced to \$28,974.00.

4. Additionally, the Objection seeks to reduce DSRG's claim for post-petition attorneys' fees in the amount of \$4,685.00. Paragraph 23.17 of the Lease between Debtor and DSRG, a copy of which is attached to the Administrative Expense Claim filed by DSRG<sup>1</sup>, provides that in a proceeding to enforce the terms of the Lease, the prevailing party is entitled to recover its reasonable costs and expenses in the proceeding. Bankruptcy is such a proceeding. DSRG was required to engage attorneys to enforce the terms of the Lease by gaining Debtors' payment of post-petition taxes and post- and pre-petition rent and leasehold expenses by the filing of its Proof of Claim and Administrative Expense Claim. Therefore, the inclusion of attorneys' fees is proper.

5. The foregoing averments are based upon the personal knowledge of the following individual:

Sheryl Beamer  
Donahue Schriber Realty Group, LP  
3501 Del Paso Boulevard, Suite 100  
Sacramento, California 95835  
(916) 920-5555

6. Pursuant to this Court's Order Establishing Omnibus Objection Procedures and Approving the Form and Manner of Notice of Omnibus Objection ("Order"), DSRG will provide such additional documentation as it may have upon request.

7. Pursuant to the Order, DSRG's notice address is identical with the address of the undersigned counsel.

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<sup>1</sup> Should the Court, Debtor or any other party request a copy of the Lease, it will be provided.

1 WHEREFORE, Donahue Schriber Realty Group, LP prays that this Court enter and order  
2 (1) reducing the post-petition rent sought in DSRG's Administrative Expense Claim to  
3 \$28,974.00; (2) allow the claim for attorneys' fees pursuant to the Lease; and (3) grant DSRG  
4 such other and further relief as this Court may deem appropriate.  
5

6 Dated: April 5, 2011

TRAINOR FAIRBROOK

8 By: /s/ Jennifer L. Pruski  
9 JENNIFER L. PRUSKI

10 Attorney for Creditor  
11 Donahue Schriber Realty Group, L.P.  
12 980 Fulton Avenue  
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**DECLARATION OF JENNIFER L. PRUSKI**

I, Jennifer L. Pruski, declare:

I am an attorney with Trainor Fairbrook and for Creditor Donahue Schriber Realty Group, L.P. As to the matters set forth herein, if called upon testify, I could and would competently testify thereto, for I know the matters to be true of my own personal knowledge or my review of the billing records related to this matter which are kept in the ordinary course of business.

I have reviewed the billing invoices and all the attorneys' fees related to time incurred after Debtors' filing of bankruptcy. The billing invoices related to our review of bankruptcy documents, handling of store closing issues, seeking out and corresponding with Debtor's counsel regarding the payment of post-petition property taxes, and filing the appropriate bankruptcy claims. It is my opinion that all of these tasks were required to enforce the terms of the Lease and therefore, is recoverable as post-petition administrative expenses pursuant to the contractual provision in the Lease.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 5, 2011 in Sacramento, California.

/s/ Jennifer L. Pruski  
Jennifer L. Pruski

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**PROOF OF SERVICE BY FEDERAL EXPRESS**

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 980 Fulton Avenue, Sacramento, California 95825-4558. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On April 5, 2011 I placed a true and correct copy of the within documents:

**DONAHUE SCHRIER REALTY GROUP, L.P.'S RESPONSE  
TO LIQUIDATING TRUST'S TWENTIETH OMNIBUS  
OBJECTION TO LANDLORD CLAIMS [Docket # 10072]**

in a sealed envelope, postage fully paid, addressed as follows:


Jeffrey N. Pomerantz, Esquire  
Andrew W. Caine, Esquire  
(admitted *pro hac vice*)  
Pachulski Stang Siehl & Jones, LLP  
10100 Santa Monica Boulevard  
Los Angeles, California 90067-4100

Lynn L. Tavenner, Esquire  
Paula S. Beran, Esquire  
Tavenner & Beran, PLC  
20 North Eighth Street, Second Floor  
Richmond, Virginia 23219

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 5, 2011, at Sacramento, California.

  
Sandra Morris

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